

...not? A. No, sir. Not the reports I had. They were typewritten. Q. And signed by the detectives? A. They were signed by the detectives, yes, sir. Q. Did the District Attorney send you a copy? A. Yes, sir; he did. Q. Did he ask you to get those reports? A. Why, he asked me to go down to Mr. Smith and ask him to give me those reports. Q. Did you do it? A. I went down and told him the District Attorney asked me to get those reports. Q. What did he say? A. He said that they were in the hands of the Mayor. Q. Did you get them? A. No, I didn't get them. Q. Did you talk to the Mayor about them? A. No. Q. What is your recollection as to what detectives made all these reports? A. Why, LeStrange made all the reports to me. Q. They were the only two made then? A. Yes, to my recollection. Q. You think there were about six? A. Up to the 13th, as near as I can remember. Q. Did you take them personally to the Mayor's secretary? A. Yes. Q. Have you seen those reports since you handed them to Mr. Smith? A. No, sir, I don't know anything about them. Q. When you went up to see the Mayor's secretary to get these reports at the request of the District Attorney, did you demand them? A. Why, no, sir. Q. Did you ask him to give them to you? A. I told him Mr. Rotan wanted them. Q. And he said they were in the hands of the Mayor? A. Yes, sir. Q. Did you ask the Mayor for them? A. No. Q. Did you report to Mr. District Attorney Rotan what the Mayor's secretary said to you? A. I don't remember whether I did or not. Q. What? A. I can't say whether I did or not. I told him I told Mr. Smith that he wanted the reports. Q. Now, Mr. Souder, I want to be frank with you. A. I want to be frank with you. Q. I have no reason to doubt it. Did you say to Mr. Rotan two days after when you had not brought him the reports—didn't you say that you had not asked for them? A. I did not ask Mr. Smith. Q. Judge Gordon questioned Detective Souder sharply to bring out an admission that witness had not asked the Mayor personally for vice squad reports made in the Fifth Ward by Detectives Le Strange and Walsh, as he is alleged to have promised District Attorney Rotan today. Souder testified that he had told the Mayor's secretary, Joseph Smith, the District Attorney wanted these reports covering conditions in the ward prior to the primaries, but had not asked the Mayor for them as requested, although he admitted having seen the Mayor nearly every day. Judge Gordon then asked: Q. After the receipt of those reports did you talk to the Mayor about the conditions in the Fifth Ward as reported by those reports? A. Not on the question of the report. The Mayor talked to be about the Fifth Ward and asked me what the conditions were down there, and from the time that I had the men down there and from the verbal reports from the men from time to time there had been nothing down there except where they told me that there was a very heated political scrap between the two factions, and I made that report to the Mayor, and there was actually a very hard contest down there; that those people down there were having a very, very exciting, political contest between the factions. Q. Is that all you mean to say that those reports reported to you? A. Only some of those reports were statements—a matter of fact, most of them were statements—from people that had claimed to be abused by— Q. Reports of citizens who claimed to have been abused by the police officers? A. Yes. Q. Beaten with blackjacks; is that so? A. I think one of them. Q. Weren't there more than one? A. The reports mostly were statements from people. Q. Of abuse by the police? A. Yes. Q. Did you express your opinion of conditions down there to the Mayor? A. No, sir. Q. Did you form any official opinion in your mind as to the conditions down there? A. Yes. Q. What was it? A. My opinion was that the factions there that had always been friends had separated, on account of the condition existing of having two factions

one the Carey and one the Deutsch, and that they were a lot of people of good and bad elements, and that they were doing everything they possibly could for one and the other factions. Q. Yes, but what was your opinion as to the police conditions there? A. My opinion as to the police conditions? I saw nothing there myself personally. Q. I didn't ask you whether you saw anything personally. A. Nor any reports made as to the police conditions? A. That would show a condition, except in those complaints, in the statements of those people against some specific policeman. Q. You don't form an opinion from the reports as to the police conditions there? A. That is in a general way. Q. In a general way, yes. A. No, I did not. Q. Were you not examined by the District Attorney, and were you not asked by him as follows: (Reading) "Q. You must have formed an opinion from your investigation, and did you not say, 'What good is my opinion?' A. I said that, yes. Q. Just wait until I stop. You said, 'What good is my opinion of the police, whether what it is, anyway. A. Mr. Rotan, I don't know. I don't know whether it would impress you or not. I will tell me and let me decide for myself what opinion you form from the reports you found. A. So far as you are personally concerned I might express my opinion, but not publicly. If I were the chief of police, whether I might be the Director or the Mayor or the Superintendent, I would not have tolerated it. Why? Because of the fact that men were brought into the Fifth Ward. What was it they did? The statements of the people who made the complaints show they beat them. They cuffed them and they created the chief of police, whether they were beaten? The Deutsch people were the people who were beating the Carey people, according to the statements. I guess your opinion is the same as mine." District Attorney: "All the evidence you heard tell of points to the same thing." "Yes, sir." "Did you make any written report to the Mayor outside of the reports the while side to you?" "No. I just turned the reports over to him." "Without comments of your own?" "I made no comments." Is that a correct transcript of what you said? A. Not all of it. That was not taken, all of that. Where he asked me confidentially for my opinion it was not taken by the stenographer, and I told him that my opinion didn't amount to a row of pins, and I— Q. Mr. Souder, were those questions asked you and did you answer them thus? A. Those questions, and they were asked me by Mr. Rotan and Mr. Gordon and Mr. Taulane. All three of them were talking together at times, and they asked for my opinion, and I told them it didn't amount to a row of pins, and they said they thought it did, and they were not taken by the stenographer. The stenographer stopped here-when they asked me those personal questions. Q. Now, Mr. Souder, I ask you whether you were asked those questions—A. There are many questions there that I didn't answer. Q. Listen to me, Mr. Souder. Were you asked those questions which I have read, and did you answer them as I have read? A. My private opinion of it was that the statements that I had from the people indicated that they were beaten down there, and if that were true that I would not tolerate it whether I was the Director of the Mayor or any one else. The statements were turned over, and I think the District Attorney has them. Q. Were all the questions which I have read to you asked of you, and did you answer them as I have read them? A. No doubt there were those questions and many others asked me. Q. And answered? A. I answered them as truly as I could. Q. Did you answer them as I have read them? A. The statement there, whether in full, because that was not taken in detail data by the stenographer—whatever is there in the last statement is taken from memory, and whether that is all there or not I don't know. Q. Do you say that this was taken from memory? A. Part of it. Q. You swear that, do you? A. Yes, because the stenographer didn't take it, because I was speaking in her presence and she didn't do any writing when the questions were asked as to my opinion, because I refused to give it only as a personal matter to Mr. Rotan.

REFUSES PRIVATE OPINION Q. I am reading from the stenographer's notes. A. Not that part of it was taken, because I asked Mr. Rotan to stop the stenographer, and he did. He told her not to put it down. Q. Do you mean to say that you told something that you didn't want taken down stenographically? A. I wouldn't give it in public. He asked me for my private opinion, and I absolutely wouldn't give it for publication. Q. You said it anyhow? A. I don't know whether I just put it in those words or not.

but I do know I said if the reports were true, what was done there from the men that were bringing them in, that I would not tolerate it. Q. Were you asked, "Did you make any written report to the Mayor outside of the report written over to him?" A. Without comment of yours? A. I made no comment. Is that correct? A. Yes, sir. Q. What kind of paper were the reports which you gave to the Mayor's secretary made on, official paper? A. Why, no; on plain paper. Q. Plain white paper? A. White and yellow. Q. What? A. White and yellow, colored yellow. Q. You mean copies were taken? A. They were copies of the originals. Q. But you gave the originals to the Mayor? A. Yes—no, not all of them. Q. You said so? A. I gave them to the secretary. Q. What? A. The originals and the copies both to the secretary. Q. You gave all the originals and the copies to the Mayor? A. To the Mayor's secretary. Q. You didn't keep any copies? A. No, sir. Q. You haven't got any originals? A. No, sir, nor no copies. Q. Nor no copies? A. No. Mr. Bettler—Can I have the copy sent to Mr. Rotan? Mr. Gordon—No, sir. Recess taken till 2 o'clock. When the hearing reopened at 2 p. m. Alfred I. Souder resumed the stand. Mr. Gordon—May I please your Honor, I move that your Honor grant a subpoena of the Commonwealth, duces tecum, addressed to the Mayor of the city, commanding him to bring to this Court the original official reports made to Alfred I. Souder, a detective of the detective bureau of the city of Philadelphia, by Detectives LeStrange and Walsh, of said bureau, touching police matters in relation to the Fifth Ward up to and including September 13, 1917, which said reports were delivered to him in his official capacity of Mayor of said city. I ask your Honor to allow me a subpoena duces tecum. The Court—Let it go out. Mr. Scarlet—We would like to be heard upon the right of the court to issue that subpoena and fix the time for its return. Mr. Gordon—This is not the time to hear that. Upon the return of the subpoena your Honor would hear that. Upon the return of the subpoena, of course, you (Mr. Scarlet) will argue it. Your Honor should hear that. District Attorney should be sent for. The Court—His representative is her, Mr. Taulane.

Mr. Bettler. The District Attorney was here when we adjourned at 1 o'clock. Mr. Gordon. He is handsome and would decorate the scene, but he is not indispensable. The Court. His representative is here. Mr. Bettler, I ask Mr. Taulane to let me have the reports sent to him by the Mayor, referred to by the witness on the stand. Mr. Gordon. We decline to furnish you with anything. The Court. The District Attorney declines to furnish them; is that the reply? By Mr. Bettler—I ask that your Honor ask the District Attorney to bring those papers in here to let me have them for the purpose of the cross-examination of this witness. By the Court—Note upon the record the request of Judge Bettler and the refusal of the District Attorney to produce the reports. By Mr. Gordon—This is a fiction and a hoax. The evidence in this case is that it is in the hands of the Mayor. Mr. Bettler—I request of the Court that the District Attorney be asked to bring them in and hand them to me. The Court—I asked the District Attorney and the District Attorney refused to produce them, Mr. Bettler. Mr. Bettler—Then you are not informed as to the facts, and I still would like the District Attorney here, in order that the District Attorney may say that. Mr. Gordon—I ask that the hearing proceed. The Court—Mr. Gordon represents the District Attorney. Mr. Taulane—Yes, sir. The Court. You can let Mr. Souder leave the stand, and if the reports are handed to you later on you can cross-examine them. I suppose if not, we can do nothing then. I suppose. Mr. Gordon. Get them from your client. The Court—The District Attorney informs the Court that the reports are in the hands of the Mayor of the city. Mr. Bettler—No, the witness said in cross-examination, Mr. Bettler asked the witness about the contents of one of the reports, but Mr. Gordon objected on the ground that it was an attempt to show the contents of a document by secondary evidence. The Court sustained him. MR. BETTLER: Q. Then I will ask you whether you did not endeavor to get from Mr. Stern and from Mr. Carey the names of the people said to have been maltreated by the police? A. I personally called on Mr. Stern and he refused to give me the names. Q. And did he ever give you? A. No, I had some names and I suggested them to

Mr. Stern and he, in two or three instances, said that I had the right names of people, but that was all. Witness admitted he did not attend hearing of Lieutenant Bennett when the latter was arrested prior to the primary, but said he had "proceeding stenographically" reported and sent a copy to the Mayor's secretary. Other questions brought out that Souder had told the Mayor conditions in the Fifth Ward were not so bad as represented in the newspapers. The Court—Q. When did you find out afterwards and so report to two of your personal friends, that you found them very much worse than you reported them to be.

Mr. Souder: A. I don't know that I ever found out at all that they were any worse than represented. Q. Your memory is very bad today. A. Yes? MR. GORDON—Q. I want to ask you a question. When you left the stand at the hour of adjournment, did you see the Mayor? A. I walked down to his office and I left him there; yes. I walked alone, side of him. Q. And talked with him? A. Not very much. Q. Little would be much in this case, probably? A. There was nothing said about the case.

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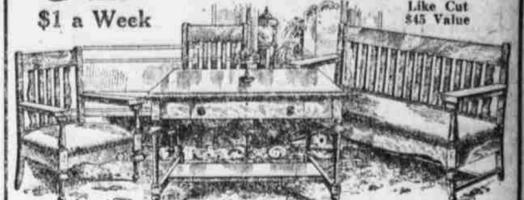
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